

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

ROBIN MILLER, et al., Individually and on  
Behalf of All Others Similarly Situated,

Plaintiffs,

v.

CITIZENS FINANCIAL GROUP, INC.,  
CITIZENS BANK, N.A., and CITIZENS  
BANK OF PENNSYLVANIA,

Defendants.

Civil Action No. 1:17-cv-12352

**DEFENDANTS' STATEMENT OF UNDISPUTED MATERIAL FACTS PURSUANT TO  
LOCAL RULE 56.1**

Pursuant to Local Civil Rule 56.1, Defendants Citizens Financial Group, Inc., Citizens Bank, N.A., and Citizens Bank of Pennsylvania (collectively "Citizens") set forth the following material facts as to which there is no genuine dispute in support of Citizens' Motion for Summary Judgment:<sup>1</sup>

1. Plaintiff Robin Miller is a current resident of Middlesex County, MA, who was employed by Citizens as a Licensed Banker at a branch located in Bedford, MA at all relevant times. (*See* Complaint ¶ 24; Declaration of Robin Miller, ¶ 1, dated January 12, 2018, Dkt. 29-5 ("Miller Decl.").)

2. Plaintiff Richard Grey III is a current resident of York County, PA, who was employed by Citizens as a Licensed Banker at a branch located in Lancaster, PA at all relevant times. (*See* Complaint ¶ 30; Declaration of Richard Grey III, ¶ 1, dated January 9, 2018, Dkt. 29-

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<sup>1</sup> The facts set forth herein are assumed to be true and undisputed for the purposes of this Motion for Summary Judgment only.

6 (“Grey Decl.”).)

3. Plaintiff Stanislav Alemaskin is a current resident of Chester County, PA, who was employed by Citizens at a branch located in King of Prussia, PA at all relevant times. (See Complaint ¶ 35; Declaration of Stanislav Alemaskin, ¶ 1, dated January 9, 2018, Dkt. 29-7 (“Alemaskin Decl.”).)

4. Citizens is a retail bank that provides financial services to customers in multiple states, including retail banking services (such as opening checking accounts and facilitating loans), as well as licensed banking services (such as advising on securities and other investment products). (See Declaration of Hildur Kidney (“Kidney Decl.”), ¶ 3, dated April 24, 2018, attached as Ex. 2 to the Declaration of Samantha Regenbogen (“Regenbogen Decl.”).)

5. Upon being hired or promoted into the position of Licensed Banker<sup>2</sup>, employees are informed that as a condition of their employment, they are required by Citizens, as well as by state law and the Financial Industry Regulatory Authority (“FINRA”), to obtain licenses in order to perform the corresponding licensed banking services. (See Miller Decl. at ¶ 5; Grey Decl. at ¶ 5; Alemaskin Decl. at ¶ 5; Declaration of Molly Brooks, Exs. 2, 3, 11, dated January 19, 2018, Dkt. 29 (“Brooks Decl.”); Kidney Decl. at ¶ 4.) As such, individuals in the position of Licensed Banker are paid at a higher pay grade and receive a more senior title than individuals in retail banker positions. (Kidney Decl. at ¶ 7.)

6. Individuals in the Licensed Banker position are required to obtain the Series 6 license, Series 63 license, and a Life and Health Insurance license specific to the state in which they are employed, each of which requires passing a separate examination. (See Miller Decl. at ¶ 5; Grey Decl. at ¶ 5; Alemaskin Decl. at ¶ 5; Brooks Decl. at Exs. 2, 3, 11; Kidney Decl. at ¶¶ 4-

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<sup>2</sup> For the purposes of this submission, the term “Licensed Banker” includes individuals in the position of both Licensed Banker as well as Associate Licensed Banker, since Citizens has changed the titling structure over time. (Kidney Decl. at ¶ 5.)

5.) If the employee is unable to pass these examinations within a certain period of time, the employee is given the opportunity to seek out and obtain a non-licensed role at Citizens. (*See Brooks Decl. at Ex. 11.*) Before obtaining these licenses, employees are limited to performing retail banking tasks that do not require licensure. (*See Kidney Decl. at ¶ 6.*)

7. As a condition of being hired or promoted into the position of Senior Licensed Banker, employees are informed that they are required by Citizens, as well as by state law and the Financial Industry Regulatory Authority (“FINRA”), to obtain the Series 65 or Series 66 license within a certain time frame in order to retain the position. (*See Kidney Decl. at ¶¶ 4, 6.*) As such, individuals in the position of Senior Licensed Banker are paid at a higher pay grade and receive a more senior title than individuals in the Licensed Banker positions. (*Kidney Decl. at ¶ 7.*)

8. Citizens gives Licensed Bankers and Senior Licensed Bankers access to studying materials created by Kaplan (a third party education company), which includes study books, video lectures, and practice questions, and which are akin to the courses provided by colleges and universities. (*See Kidney Decl. at ¶ 8; see also Regenbogen Decl. at Ex. 1.*) These study activities were distinct from banking activities, which included activities such as assisting clients, opening accounts, closing accounts, answering customer calls, etc. (*See Miller Decl. at ¶ 4; Grey Decl. at ¶ 4; Alemaskin Decl. at ¶ 4.*)

9. Until March 2017, although some managers gave Licensed Bankers and Senior Licensed Bankers time during regular working hours to study (for which they were compensated), some employees studied outside regular working hours and were not compensated for that time. (*See Kidney Decl. at ¶ 9; Miller Decl. at ¶ 8; Grey Decl. at ¶ 8; Alemaskin Decl. at ¶ 8.*)

10. Individuals who obtain their licenses are not limited to using the licenses at Citizens; rather, they may use those licenses to perform licensed banking duties at other financial

institutions as well. (See Kidney Decl. at ¶ 10.)

Dated: April 27, 2018

Respectfully submitted,

CITIZENS FINANCIAL GROUP, INC.,  
CITIZENS BANK, N.A., and CITIZENS  
BANK OF PENNSYLVANIA

By their attorneys,

*/s/ Samantha L. Regenbogen*

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#### **CERTIFICATE OF SERVICE**

I hereby certify that, on April 27, 2018, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will cause a copy of the foregoing document to be served upon Counsel for the Plaintiffs.

*/s/ Samantha L. Regenbogen*

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Samantha L. Regenbogen